



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*AMS*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,808	08/08/2001	Marcus F. Doemling	FYSX-0003	2589

23550 7590 02/09/2005

HOFFMAN WARNICK & D'ALESSANDRO, LLC  
3 E-COMM SQUARE  
ALBANY, NY 12207

EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2154

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/924,808	DOEMLING ET AL.	
	Examiner	Art Unit	
	Philip C Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-41 are presented for examination.

#### *Claim Rejections – 35 USC 112*

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:
    - i. the enhanced content object – claim 18.

#### *Claim Rejections – 35 USC 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

  - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

Art Unit: 2154

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-8, 10-14, 16-21 and 33-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Auxier et al, U.S. Patent 6,379,251 (hereinafter Auxier).

6. As per claim 1, Auxier taught the invention as claimed for enhancing a content object, comprising:

a system for downloading a network resource from a host server to a client (col. 4, lines 13-20);

a system for downloading an enhancement mechanism with the network resource (col. 4, lines 20-40; col. 9, lines 43-51), wherein the enhancement mechanism includes:

a loading module for requesting and loading the content object from a content server to the client (col. 4, lines 20-40; col. 9, lines 43-51); and

an enhancement module for altering an output format of the content object (col. 4, lines 41-63).

7. As per claim 33, Auxier taught the invention as claimed comprising the steps of:  
requesting a resource (col. 4, lines 13-19);  
retrieving and processing the resource (col. 4, lines 13-19), wherein the resource includes an enhancement mechanism; and  
processing the enhancement mechanism, including the steps of:  
retrieving a content object (col. 4, lines 20-40; col. 9, lines 43-51);  
transferring data from the content object to an enhancement module (col. 4, lines 41-63); and  
executing the enhancement module such that the data from the content object is presented in an enhanced format (col. 4, lines 41-63).
8. As per claims 2 and 34, Auxier taught the invention as claimed in claims 1 and 33 above. Auxier further taught wherein the network resource is a web page (col. 4, lines 13-20).
9. As per claims 3 and 35, Auxier taught the invention as claimed in claims 2 and 33 above. Auxier further taught wherein the content object is an ad (col. 4, lines 24-27).
10. As per claim 4, Auxier taught the invention as claimed in claim 3 above. Auxier further taught wherein the ad comprises an ad in an industry standard format (col. 4, lines 38-40).
11. As per claims 5 and 36, Auxier taught the invention as claimed in claims 2 and 33 above. Auxier further taught wherein the content object is an image (col. 4, lines 38-40).

12. As per claim 6, Auxier taught the invention as claimed in claim 2 above. Auxier further taught wherein the enhancement mechanism comprises a plug-in embedded in the web page (col. 4, lines 46-53).

13. As per claim 7, Auxier taught the invention as claimed in claim 6 above. Auxier further taught wherein the plug-in comprises an applet (col. 4, lines 46-53).

14. As per claim 8, Auxier taught the invention as claimed in claim 1 above. Auxier further taught wherein the content server is an ad server (col. 4, lines 33-34).

15. As per claim 10, Auxier taught the invention as claimed in claim 8 above. Auxier further taught wherein the host server acts as the ad server (fig. 5; col. 9, lines 23-51).

16. As per claims 11 and 37, Auxier taught the invention as claimed in claims 1 and 33 above. Auxier further taught wherein the enhancement module converts the content object into a game (col. 5, lines 43-47).

17. As per claim 12, Auxier taught the invention as claimed in claim 3 above. Auxier further taught wherein the enhancement module converts the ad into a game (col. 5, lines 43-47).

18. As per claim 13, Auxier taught the invention as claimed in claim 12 above. Auxier further taught wherein the game overlays the ad (fig. 4).

19. As per claim 14, Auxier taught the invention as claimed in claim 12 above. Auxier further taught wherein the game partitions the ad into a plurality of smaller images that can be manipulated by an end user (col. 5, lines 37-49).

20. As per claim 16, Auxier taught the invention as claimed in claim 1 above. Auxier further taught wherein the enhancement module instructs the host server to retrieve the content object (col. 20, line 66-col. 21, line 6).

21. As per claim 17, Auxier taught the invention as claimed in claim 1 above. Auxier further taught comprising a proxy system that obtains the content object from the content server on behalf of the client (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

22. As per claim 18, Auxier taught the invention as claimed in claim 2 above. Auxier further taught wherein the enhanced content object is created by replacing an embedded ad with the embedded enhancement module (col. 9, lines 32-51).

23. As per claims 19 and 38, Auxier taught the invention as claimed in claims 1 and 33 above. Auxier further taught wherein the enhancement module alters the output format of the

Art Unit: 2154

content object by providing an informing enhancement that requests a user action (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

24. As per claim 20, Auxier taught the invention as claimed in claim 1 above. Auxier further taught wherein the content object is altered in real-time (col. 4, lines 35-53) (i.e. content object is render without prior adjustment, see specification, page 9, lines 13-15).

25. As per claim 21, Auxier taught the invention as claimed in claim 1 above. Auxier further taught the content object is loaded into the enhancement mechanism is one of a plurality of formats that do not require customization (col. 4, lines 35-40).

*Claim Rejections – 35 USC 103*

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



27. Claims 39, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier in view of "Official Notice".

28. As per claims 39, 40 and 41, although Auxier taught the message is overlaid on top of the content object (fig. 4), however, Auxier did not specifically detailing the different location where a message corresponding to the content object is displayed. "Official Notice" is taken for the concept of displaying a message at different area corresponding to the connect object in a web page is known and accepted in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include different location where the message is displayed because by doing so it would increase flexibility of Auxier's system by allowing the message to be display on the web page according to the interest of the designer.

29. Claims 9 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier in view of Landsman et al, U.S. Patent 6,785,659 (hereinafter Landsman).

30. As per claim 9, Auxier taught the invention as claimed in claim 8 above. Auxier did not specifically teach wherein the ad server is a third party server. Landsman taught wherein the ad server is a third party server (col. 11, lines 33-34).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Landsman because Landsman's teaching of third party server would increase the field of use in the system.

32. As per claim 22, Auxier taught the invention as claimed for enhancing content, comprising:

a system for loading a content object, wherein the content object comprises data stored in a predefined format (col. 9, lines 32-51)(e.g. GIF or JPEG); and

an application programming interface (e.g. java applet) for converting the data from the predefined format to a format compatible with the enhancement module (col. 4, lines 35-53).

33. Auxier did not teach each enhancement module selected from a plurality of enhancement modules causes a unique alteration of the loaded content object. Landsman taught a similar system wherein an enhancement module selected from a plurality of enhancement modules, wherein each enhancement module causes a unique alteration of the loaded content object (col. 27, lines 1-12).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Landsman because Landsman's teaching of selecting a enhancement module causing a unique alteration would increase the flexibility of Auxier's system by allowing a enhancement module to change in order to suit a desired environment (col. 27, lines 7-12).

35. As per claim 28, Auxier taught the invention as claimed comprising:

means for installing an enhancement mechanism into a requested web page that is to be downloaded to a client, wherein the enhancement mechanism includes the enhancement module (col. 4, lines 20-53).

36. Auxier did not teach means for selecting and proxy means. Landsman taught a similar comprising:

means for selecting an enhancement module from a plurality of enhancement modules (col. 27, lines 1-12); and

proxy means for retrieving a content object on behalf of the client and causing the content object to be passed to the client (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Landsman because Landsman's teaching of selecting a enhancement module causing a unique alteration would increase the flexibility of Auxier's system by allowing a enhancement module to change in order to suit a desired environment (col. 27, lines 7-12).

38. As per claims 23 and 29, Auxier and Landsman taught the invention substantially as claimed in claims 22 and 28 above. Auxier further taught wherein at least one of the enhancement modules converts the content object into a game (col. 5, lines 43-47).

Art Unit: 2154

39. As per claims 24 and 31, Auxier and Landsman taught the invention substantially as claimed in claims 22 and 28 above. Auxier further taught wherein at least one of the enhancement modules comprises an information enhancement (fig. 4; col. 5, lines 64-67; col. 9, lines 60-67).

40. As per claims 25 and 30, Auxier and Landsman taught the invention substantially as claimed in claims 22 and 29 above. Auxier further taught wherein the content object comprises an ad (col. 4, lines 24-27).

41. As per claim 26, Auxier and Landsman taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the system for loading the content object, the application programming interface, and the selected enhancement module are contained within a web page (col. 4, lines 20-53).

42. As per claim 27, Auxier and Landsman taught the invention substantially as claimed in claim 22 above. Auxier further taught wherein the system for loading the content object and at least one enhancement module are implemented as Java applets (col. 4, lines 46-53).

43. As per claim 32, Auxier and Landsman taught the invention substantially as claimed in claim 28 above. Auxier further taught wherein the proxy means causes an address of the content object to be modified to point to an address of a host server (col. 17, lines 15-21; col. 20, line 66-col. 21, line 6).

44. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Auxier in view of Erlichman, U.S. Patent 6,790,138 (hereinafter Erlichman).

45. As per claim 15, Auxier taught the invention as claimed in claim 12 above. Auxier did not specifically detailing the location of the game. Erlichman taught wherein the game resides in an area outside of the ad (col. 6, lines 35-49).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Auxier and Erlichman because Erlichman's teaching of location of the game would increase flexibility of Auxier's system by allowing the advertisement to be display on the web page according to the interest of the advertiser.

### **CONCLUSION**

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ludewig et al, U.S. Patent 6,327,609, disclosed a method of using cookie with Java applets


Wade, U.S. Patent Application Publication 2002/00119831, disclosed a method of delivery advertisement to a host server.

Lynn, U.S. Patent 6,595,859, disclosed a method of marketing Internet game.

Hamel, U.S. Patent Application Publication 2002/0007393, disclosed a method of delivering a web page with Java applet.

48. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)350-6121.

P.L.

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100